

Appendix A:
Findings, Facts in Support of Findings

I Introduction

ROLE OF THE FINDINGS

These Findings and Facts in Support of Findings relate to the approval of the 2001 Regional Transportation Plan (2001 RTP) for the San Francisco Bay Area. The Metropolitan Transportation Commission (MTC) is the Lead Agency for the project pursuant to the California Environmental Quality Act (CEQA). (Pub. Resources Code, § 21000 et seq.)

The Findings state MTC's conclusions regarding the significance of the potential environmental impacts of the 2001 RTP after all feasible mitigation measures have been adopted. These findings have been prepared to comply with the requirements of CEQA and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) and are based on information in the Final Environmental Impact Report (EIR) for the project and on all other relevant information contained in the administrative record for the Project.

The Facts in Support of Findings state MTC's reasons for making each finding. They also set forth a summary of the evidence that supports these conclusions. All records and materials constituting the record of the proceedings, upon which these findings are made, are located at the offices of the Metropolitan Transportation Commission, 101 Eighth Street, Oakland, California, 94607.

The Statement of Overriding Considerations, included in Appendix B of this document, explains MTC's reasons for approving the 2001 RTP, despite the fact that the 2001 RTP will have significant impacts on the environment.

STATE LAW

EIR identifies significant effects on the environment, which may occur as a result of the projects in the 2001 RTP. The State Guidelines adopted pursuant to CEQA provide as follows:

- (a) No public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The findings are:
 - 1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the EIR.
This finding shall be referred to as "Finding (1)."
 - 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

This finding shall be referred to as “Finding (2).”

- 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers make infeasible the mitigation measures or project alternatives identified in Final EIR.

This finding shall be referred to as “Finding (3).”

SCOPE OF THE ENVIRONMENTAL ANALYSIS

This program EIR analyzes the potential significant adverse effects of the adoption and implementation of the proposed 2001 Regional Transportation Plan. This assessment, in compliance with CEQA, is designed to inform decision-makers, other responsible agencies and the general public of the environmental consequences of the proposed. CEQA provides that a program EIR should focus on the secondary effects that can be expected to follow its adoption, but need not be as detailed as an EIR on the specific construction projects that might follow. In accordance with CEQA, the 2001 RTP EIR identifies regional effects of the implementation of projects, which could follow adoption of the 2001 RTP. The 2001 RTP represents MTC's transportation policy and action statement as to how to approach the region's transportation needs over the next 25 years. The 2001 RTP's assessment of future travel activity and use of the transportation system are based on the most recent land use assumptions and growth projections of the Association of Bay Area Governments (ABAG).

ORGANIZATION OF THIS APPENDIX

Section 2 of this Appendix identifies the significant environmental effects of the transportation improvements in the 2001 RTP that cannot feasibly be mitigated to below a level of significance. Section 3 of this Appendix identifies potential environmental effects of the projects in the 2001 RTP that are not significant because of the design of the project or because they can feasibly be mitigated to below a level of significance. Section 4 of this Appendix summarizes the alternatives discussed in the EIR and makes findings with respect to their feasibility and whether the alternatives would lessen the significant environmental effects of the project. Section 5 of this Appendix makes a finding on the independent review and analysis of this EIR.

2 Findings Regarding Significant Effects Which Cannot Feasibly Be Mitigated to Below a Level of Significance

The Metropolitan Transportation Commission (MTC) has determined that the adoption of feasible mitigation measures, alternatives, and proposals incorporated into the 2001 RTP will not reduce the following impacts to below a level of significance.

AIR QUALITY

Criteria of Significance:

Implementation of the 2001 RTP would have a potentially significant impact if motor vehicle emissions for criteria pollutants ROG, NO_x, PM₁₀, and CO are higher for the Project Alternative (2001 RTP) than for the No Project Alternative. (Draft EIR, p. 2-28.)

Impact:

2.2-2 Projected increases in population, jobs, and income are the main contributors to the rise in VMT, the corresponding increase in PM₁₀ emissions, and the associated increased public health risk. Roadway lane miles are projected to increase by only 5 percent by the year 2025, while population is expected to increase by 19 percent and jobs will increase by 33 percent. The overall transportation investment strategy in the RTP is expected to decrease projected PM₁₀ emissions on a cumulative basis by including programs and projects to reduce the growth in VMT. (Draft EIR, p. 2-30.)

Mitigation Measures:

The 2001 RTP reduces PM₁₀ emissions relative to the No Project Alternative. Thus, implementation of the 2001 RTP is a measure to mitigate the environmental impact due to growth in PM₁₀ since it includes programs and projects that can reduce the growth in VMT. Further, if a Federal PM-10 attainment plan is required in the future, then MTC will cooperate with the BAAQMD and US EPA in future development of PM₁₀ control strategies for motor vehicles which may be technological or travel behavior based, or both. (Draft EIR, p. 2-31.)

Findings: MTC hereby makes finding (2).

Facts in Support of Findings:

- (a) Although this mitigation measure will reduce the significance of the identified impact, the implementation of the mitigation measure relies on the efforts of other agencies. Because reduction of the identified impact is not within the Commission's control, the

Commission finds that this cumulative impact might not be mitigated to below a level of significance.

- (b) The Statement of Overriding Considerations set forth in Appendix B of this document contains additional information explaining the reasons for MTC's decision to approve the project despite potentially significant environmental effects, and is hereby incorporated by reference.

ENERGY

Criteria of Significance:

An increase in energy consumption due to projected increases in travel associated with future population and employment growth in the region is considered a cumulatively significant energy impact. (Draft EIR, p. 2-36.)

Impact:

- 2-3.1 Projected increases in population, jobs, and income are the main contributors to increased transportation energy consumption. Roadway lane miles are projected to increase by only 5 percent by the year 2025, while population is expected to increase by 19 percent and jobs will increase by 33 percent. (Draft EIR, p. 2-38.)

Mitigation Measures:

The cumulative impact of increased transportation energy consumption and carbon dioxide (global warming emissions) could be mitigated by Congress adopting more stringent automobile fuel standards.

Findings: MTC hereby makes finding (2).

Facts in Support of Findings:

- (a) Although this mitigation measure will reduce the significance of the identified impact, the implementation of the mitigation measure relies on the efforts of other agencies, namely the United States Congress. Because reduction of the identified impact is not within the Commission's control, the Commission finds that this cumulative impact might not be mitigated to below a level of significance.
- (b) The Statement of Overriding Considerations set forth in Appendix B of this document contains additional information explaining the reasons for MTC's decision to approve the project despite potentially significant environmental effects, and is hereby incorporated by reference.

GEOLOGY AND SEISMICITY

Criteria of Significance:

The 2001 RTP would have a significant adverse effect with regard to geology and seismicity if it would:

1. Expose people or structures to potential damaging geologic forces;
2. Result in substantial soil erosion or topsoil loss; or
3. Be located on expansive soils.

(Draft EIR, p. 2-52.)

Impact:

- 2.4-1 Seismic events could damage existing and proposed transportation infrastructure through surface rupture, ground shaking, liquefaction, landslides and tsunamis. Potential impacts to property and public safety from seismic activity would be considered significant.

Mitigation Measures:

MTC requires project sponsors to comply with CEQA and NEPA prior to project approval by MTC. The mitigation measures identified on pages 2-58 and 2-59 of the Draft EIR shall be included in project-level analysis as appropriate for proposed new transportation improvements. The project proponent or local jurisdiction shall be responsible for ensuring adherence to the mitigation measures prior to construction.

Findings: MTC hereby makes finding (2).

Facts in Support of Findings:

- (a) Although these mitigation measures will reduce the significance of the identified impact, the implementation of the mitigation measure relies on the efforts of other agencies, namely project sponsor(s) (lead agency) who will be responsible for complying with CEQA and NEPA, if applicable, for individual projects prior to project approval by MTC. Because reduction of the identified impact is not within the Commission's control, but rather relies on the actions of the implementing agencies, the Commission finds that the impact might not be mitigated to below a level of significance.
- (b) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of this EIR by project sponsors in preparing environmental documents of specific projects will help ensure that mitigation measures will be implemented.

- (c) The Statement of Overriding Considerations set forth in Appendix B of this document contains additional information explaining the reasons for MTC's decision to approve the project despite of its environmental effects, and is hereby incorporated by reference.

BIOLOGICAL RESOURCES

Criteria of Significance:

The 2001 RTP would result in a significant adverse impact on biological resources if:

1. Transportation projects occur in areas of natural vegetation, potentially resulting in impacts on wildlife movement, disruption of wildlife corridors, or effects on native wildlife nurseries;
2. Transportation projects occur near or adjacent to an identified aquatic resource; or
3. Transportation projects occur near or within the designated or known habitat of a special-status plant or animal species.

(Draft EIR, p. 2-74.)

Impact:

- 2.5-3 Proposed transportation improvements in the 2001 RTP could have adverse impacts on special-status plant and wildlife species identified as endangered, candidate, and/or special status by the CDFG or USFWS, or on designated critical habitat for listed species.

Mitigation Measures:

The mitigation measures identified on pages 2-78 and 2-79 of the Draft EIR shall be included in project-level analysis as appropriate for proposed new transportation improvements. The project proponent or local jurisdiction shall be responsible for ensuring adherence to the mitigation measures prior to construction.

Findings: MTC hereby makes finding (2).

Facts in Support of Findings:

- (a) Although these mitigation measures will reduce the significance of the identified effect, the implementation of the mitigation measure relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA and NEPA, if applicable, for individual projects prior to project approval by MTC. Because reduction of the identified impact is not within the Commission's control, but rather relies on the actions of the implementing agencies, the Commission finds that the impact might not be mitigated to below a level of significance.

- (b) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of this EIR by project sponsors in preparing environmental documents of specific projects will help ensure that mitigation measures will be implemented.
- (c) The Statement of Overriding Considerations set forth in Appendix B of this document contains additional information explaining the reasons for MTC's decision to approve the project despite its environmental effects, and is hereby incorporated by reference.

VISUAL RESOURCES

Criteria of Significance:

The 2001 RTP would have a significant adverse impact with regard to visual resources if it would:

1. Block panoramic views or views of significant features;
2. Alter the appearance of areas near scenic highways;
3. Create significant contrasts; or
4. Add an incongruous visual element.

(Draft EIR, p. 2-108.)

Impact:

- 2.7-2 The construction of soundwalls along freeways and arterials, where they are used to reduce noise levels in surrounding residential areas, could significantly alter views from the road reducing visual interest and sense of place while also limiting views and sunlight from adjoining areas.

Mitigation Measures:

MTC requires project sponsors to comply with CEQA and NEPA prior to project approval by MTC. The mitigation measures identified on pages 2-113 of the Draft EIR shall be included in project-level analysis as appropriate for proposed new transportation improvements. The project proponent or local jurisdiction shall be responsible for ensuring adherence to the mitigation measures prior to construction.

Findings: MTC hereby makes finding (2).

Facts in Support of Findings:

- (a) Although these mitigation measures will reduce the significance of the identified impact, the implementation of the mitigation measure relies on the efforts of other agencies,

namely project sponsor(s) (lead agency) who will be responsible for complying with CEQA and NEPA, if applicable, for individual projects prior to project approval by MTC. Because reduction of the identified impact is not within the Commission's control, but rather relies on the actions of the implementing agencies, the Commission finds that the impact might not be mitigated to below a level of significance.

- (b) Not all impacts can be mitigated to a less than significant level. Depending on the extent, design, and specific location of soundwalls, impacts on visual resources may be significant.
- (c) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of this EIR by project sponsors in preparing environmental documents of specific projects will help ensure that mitigation measures will be implemented.
- (d) The Statement of Overriding Considerations set forth in Appendix B of this document contains additional information explaining the reasons for MTC's decision to approve the project despite its environmental effects, and is hereby incorporated by reference.

Impact:

- 2.7-3 Forecast urban development that would be served by transportation improvements in the 2001 RTP could significantly change the visual character of many areas in the region, especially where development would occur on visually prominent hillsides or in existing rural or open space lands.

Mitigation Measures:

Local land use agencies are responsible for the approval of forecast urban development. These agencies should apply development standards and guidelines to maintain compatibility with surrounding natural areas, including site coverage, building height and massing, building materials and color, landscaping, site grading, etc., in visually sensitive sites areas. (Draft EIR, p. 2-114.)

Findings: MTC hereby makes findings (2).

Facts in Support of Findings:

- (a) Although these mitigation measures will reduce the significance of the identified impact, the implementation of the mitigation measure relies on the efforts of other agencies, namely local land use agencies. Because reduction of the identified effect is not within the Commission's control, but rather relies on the actions of the local land use agencies, the Commission finds that the impact might not be mitigated to below a level of significance.
- (b) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of this EIR by project sponsors in preparing

environmental documents of specific projects will help ensure that mitigation measures will be implemented.

- (c) The Statement of Overriding Considerations set forth in Appendix B of this document contains additional information explaining the reasons for MTC's decision to approve the project despite its environmental effects, and is hereby incorporated by reference.

CULTURAL RESOURCES

Criteria of Significance:

The 2001 RTP would result in a significant effect on the environment if it would:

1. Substantially change the significance of a historical resource;
2. Substantially change the significance of an archaeological resource;
3. Destroy a unique paleontological resource;
4. Disturb human remains.

(Draft EIR, p. 2-140.)

Impact:

- 2.9-2 Forecast urban development that would be served by transportation improvements in the 2001 RTP could, when it occurs, have the potential to disturb, destroy, or significantly affect cultural resources.

Mitigation Measures:

Local land use agencies are responsible for the approval of forecast urban development and for determining appropriate mitigation during their CEQA processes. In addition, local historic preservation regulations, where they exist, would apply to such development.

Findings: MTC hereby makes finding (2).

Facts in Support of Findings:

- (a) Although this mitigation measure will reduce the significance of the identified impact, the implementation of these mitigation measures relies on the efforts of other agencies, namely local land use agencies. Because reduction of the identified effect is not within the Commission's control, the Commission finds that the impact might not be mitigated to below a level of significance.

- (b) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of this EIR by project sponsors in preparing environmental documents of specific projects will help ensure that mitigation measures will be implemented.
- (c) The Statement of Overriding Considerations set forth in Appendix B of this document contains additional information explaining the reasons for MTC's decision to approve the project despite its environmental effects, and is hereby incorporated by reference.

POPULATION, HOUSING, AND SOCIAL ENVIRONMENT

Criteria of Significance:

The 2001 RTP would result in a significant adverse affect on the environment with regard to population, housing, and the social environment if it would:

- 1. Contribute to unplanned population or employment growth;
- 2. Cause community displacement; or
- 3. Cause community disruption.

(Draft EIR, p. 2-156.)

Impact:

- 2.10-3 Construction of transportation improvements in the 2001 RTP could significantly disrupt adjoining communities in the short term.

Mitigation Measures:

MTC requires project sponsors to comply with CEQA and NEPA prior to project approval by MTC. The mitigation measures identified on pages 2-162 and 2-163 of the Draft EIR shall be included in project-level analysis as appropriate for proposed new transportation improvements. The project proponent or local jurisdiction shall be responsible for ensuring adherence to the mitigation measures prior to construction.

Findings: MTC hereby makes findings (2).

Facts in Support of Findings:

- (a) Although these mitigation measures will reduce the significance of the identified impact, the implementation of these mitigation measures relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA and NEPA, if applicable, for individual projects prior to project approval by MTC.

Because reduction of the identified impact is not within the Commission's control, the Commission finds that the impact might not be mitigated to below a level of significance.

- (b) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of this EIR by project sponsors in preparing environmental documents of specific projects will help ensure that mitigation measures will be implemented.
- (c) The Statement of Overriding Considerations set forth in Appendix B of this document contains additional information explaining the reasons for MTC's decision to approve the project despite its environmental effects, and is hereby incorporated by reference.

LAND USE

Criteria of Significance:

The 2001 RTP would have a significant effect on the environment related to land use if it:

- 1. Converts resource land to transportation use; or
- 2. Conflicts with local plans.

(Draft EIR, p. 2-171.)

Impact:

- 2.11-1 Construction of certain transportation improvements in the 2001 RTP, such as the expansion of existing facilities and the construction of new facilities, could convert resource lands, including prime agricultural lands designated by the State of California, Department of Conservation Mines and Geology Mineral Resource Zones 2 and 3 (MRZ-2 and MRZ-3), and parks and open space lands in public ownership or control, to transportation uses.

Mitigation Measures:

MTC requires project sponsors to comply with CEQA and NEPA prior to project approval by MTC. The mitigation measures identified on page 2-175 of the Draft EIR shall be included in project-level analysis as appropriate for proposed new transportation improvements. The project proponent or local jurisdiction shall be responsible for ensuring adherence to the mitigation measures prior to construction.

Findings: MTC hereby makes finding (2).

Facts in Support of Findings:

- (a) The implementation of these mitigation measures relies on the efforts of other agencies, namely the project sponsor(s) (lead agency) who will be responsible for complying with CEQA and NEPA, if applicable, for individual projects prior to project approval by MTC. Because reduction of the identified impact is not within the Commission's control, the Commission finds that the impact might not be mitigated to below a level of significance.
- (b) Not all impacts can be mitigated to a less than significant level. The conversion of resource lands to transportation uses would remain a significant impact despite the limitations on the extent of conversion provided by the mitigation measures proposed.
- (c) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of this EIR by project sponsors in preparing environmental documents of specific projects will help ensure that mitigation measures will be implemented.
- (d) The Statement of Overriding Considerations set forth in Appendix B of this document contains additional information explaining the reasons for MTC's decision to approve the project despite its environmental effects, and is hereby incorporated by reference.

Impact:

- 2.11-3 The amount and location of new development can have locally significant effects on transportation demand, and on the location and amount of congestion.

Mitigation Measures:

While the secondary impacts of local land use decisions on the transportation system in the Bay Area are potentially significant, the mitigation associated with Impact 2.11-2 above could lead to the enhanced coordination of local land use plans and investments in the 2001 RTP. MTC also supports better integration of transportation and land use through its Transportation for Livable Communities (TLC) program and Housing Incentive Program (HIP).

Findings: MTC hereby makes findings (1) and (2).

Facts in Support of Findings:

- (a) Although the mitigation measure could lead to enhanced coordination of local land use and investments in the RTP, the decisions on the amount and location of new development and the implementation of measures to mitigate any adverse impacts rely on the efforts of other agencies, namely local land use agencies. Because reduction of the identified impact is not within the Commission's control, the Commission finds that the impact might not be mitigated to below a level of significance.

- (b) Project-level environmental review will determine whether impacts can be mitigated to a less-than-significant level. The use of this EIR by project sponsors in preparing environmental documents of specific projects will help ensure that mitigation measures will be implemented.
- (c) The Statement of Overriding Considerations set forth in Appendix B of this document contains additional information explaining the reasons for MTC's decision to approve the project despite its environmental effects, and is hereby incorporated by reference.

3 Findings Regarding Potential Environmental Effects that are not Significant or Which can Feasibly be Mitigated to Below a Level of Significance

MTC has determined that the following potential effects will not be significant, or that the adoption of feasible mitigation measures, alternatives and proposals incorporated into the 2001 RTP will reduce the impacts to below a level of significance.

TRANSPORTATION

Impact:

- 2.1-1 Many transportation impacts show negative trends between 1998 and 2025 relative to average travel time, auto accessibility to jobs, increases in VMT at LOS F, etc. (The one indicator that does show improvement is total jobs accessible by transit). These trends are the result of sustained population and economic growth that will occur in the region between 2000 and 2025 and the mismatch between travel demand and the supply of new capacity. However, in each of the impact areas evaluated the Project Alternative provides a significant improvement over the No Project Alternative. In addition, the Project provides further benefits that are not measured by funding shortfalls in pavement maintenance for local streets, capital rehabilitation needs of transit, and the costs of many ongoing regional programs directed at better system management and customer service. (Draft EIR, p. 2-14.)

Mitigation Measures:

None required. (Draft EIR, p. 2-14.)

Findings: MTC hereby makes finding (1).

Facts in Support of Findings:

- (a) There are no significant adverse effects on mobility due to implementation of the proposed 2001 RTP. The effects are all beneficial compared to the No Project Alternative. (Draft EIR, pp. 2-1 - 2-14.)

AIR QUALITY

Impact:

- 2.2-1 Emissions impacts for the Project Alternative for CO, ROG, and NO_x are not considered to be significant, since they are lower than today's emissions by substantial amounts. (Draft EIR, p. 2-30.)

Mitigation Measures:

None required. (Draft EIR, p. 2-30.)

Findings: MTC hereby makes finding (1).

Facts in Support of Findings:

- (a) There are no significant impacts from emissions of CO, ROG, or NO_x due to implementation of the proposed 2001 RTP. (Draft EIR, pp. 2-15 - 2-31.)

GEOLOGY AND SEISMICITY

Impact:

- 2.4-2 Highway and rail construction could require significant earthwork and road cuts. Such projects could increase short-term and long-term soil erosion potential and slope failure. (Draft EIR, p. 2-58.)

Mitigation Measures:

Implementing agencies shall ensure that projects employ Best Management Practices to reduce soil erosion by water and wind to a level of insignificance. These could include temporary cover of exposed, engineered slopes, or silt fencing. All construction activities and design criteria shall comply with applicable codes and requirements of the 1997 Uniform Building Code with California additions (Title 22), and applicable Caltrans construction and grading ordinances. Implementing agencies shall also ensure that project designs provide adequate slope drainage and appropriate landscaping to minimize the occurrence of slope instability and erosion. Design features shall include measures to reduce erosion from stormwater. Road cuts shall be designed to maximize the potential for revegetation. (Draft EIR, pp. 2-58 - 2-59.)

Findings: MTC hereby makes findings (1) and (2).

Facts in Support of Findings:

- (a) MTC requires project sponsors to comply with CEQA and NEPA, if applicable, prior to project approval by MTC.

- (b) The mitigation measures referred to above are performance standards drawn from the RTP EIR. They are appropriate for reducing the impacts at the program level. Specific mitigation measures that satisfy these performance standards will have to be implemented for impacts identified during the environmental evaluation of individual projects.

(Draft EIR, pp. 2-39 - 2-60.)

Impact:

- 2.4-3 Projects built on highly compressible or expansive soils could become damaged and weakened over time. (Draft EIR, p. 2-60.)

Mitigation Measures:

Implementing agencies shall ensure that geotechnical investigations be conducted by qualified professionals (registered civil and geotechnical engineers, registered engineering geologists) to identify the potential for differential settlement and expansive soils. Recommended corrective measures, such as structural reinforcement and replacing soil with engineered fill, shall be incorporated into project designs. (Draft EIR, p. 2-60.)

Findings: MTC hereby makes findings (1) and (2).

Facts in Support of Findings:

- (a) MTC requires project sponsors to comply with CEQA and NEPA, if applicable, prior to project approval by MTC.
- (b) The mitigation measures referred to above are performance standards drawn from the RTP EIR. They are appropriate for reducing the impacts at the program level. Specific mitigation measures that satisfy these performance standards will have to be implemented for impacts identified during the environmental evaluation of individual projects.

(Draft EIR, pp. 2-39 - 2-60.)

Impact:

- 2.4-4 The projected population increase in the Bay Area will result in increased travel on all modes of transportation. This would result in an increased risk of exposure of people and property to the potentially damaging effects of strong seismic shaking, fault rupture, seismically-induced ground failure and slope instability. (Draft EIR, p. 2-60.)

Mitigation Measures:

Since the cumulative impacts from the 2001 RTP are essentially the same as the direct and short-term impacts (exposing travelers to geologic hazards), the mitigation measures for this impact would be the same as for those outlined above. (Draft EIR, p. 2-60.)

Findings: MTC hereby makes findings (1) and (2).

Facts in Support of Findings:

- (a) MTC requires project sponsors to comply with CEQA and NEPA, if applicable, prior to project approval by MTC.
- (b) The mitigation measures referred to above are performance standards drawn from the RTP EIR. They are appropriate for reducing the impacts at the program level. Specific mitigation measures that satisfy these performance standards will have to be implemented for impacts identified during the environmental evaluation of individual projects.

(Draft EIR, pp. 2-39 - 2-60.)

BIOLOGICAL RESOURCES

Impact:

- 2.5-1 Transportation improvements in the 2001 RTP could adversely affect sensitive biological resources, including wetlands and aquatic resources. (Draft EIR, p. 2-76.)

Mitigation Measures:

Project sponsors shall demonstrate compliance with the provisions of CEQA and NEPA, as applicable, prior to project approval by the MTC. At the time of project certification, project sponsors shall agree to comply with mitigation measures to protect special-status plant and wildlife species. This requirement obligates project sponsors to implement measures that avoid, minimize, and compensate for significant impacts to special-status species and their habitat. In accordance with guidelines of the Army Corps of Engineers (Corps), the Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Game (CDFG), a goal of “no net loss” of wetland acreage and value will be implemented, wherever possible, through avoidance of the resource. Mitigation for wetlands impacts due to proposed transportation projects would be based on project-specific wetland mitigation plans, subject to approval by the Corps and commenting agencies. Mitigation for placing fill in wetlands would be partially achieved by avoiding wetlands, and by minimizing fill where avoidance is not feasible. (Draft EIR, pp. 2-76 - 2-77.)

Findings: MTC hereby makes findings (1) and (2).

Facts in Support of Findings:

- (a) MTC requires project sponsors to comply with CEQA and NEPA, as applicable, prior to project approval by MTC.
- (b) The mitigation measures referred above are performance standards drawn from the RTP EIR. They are appropriate for reducing the impacts at the program level. Specific mitigation measures that satisfy these performance standards will have to be implemented for impacts identified during the environmental evaluation of individual projects.

(Draft EIR, pp. 2-61 - 2-82.)

Impact:

- 2.5-2 Transportation improvements in the 2001 RTP could cause substantial disturbance of biologically unique or sensitive communities, including CDFG-recognized protected plant communities. (Draft EIR, p. 2-77.)

Mitigation Measures:

In accordance with guidelines of the Corps, EPA, USFWS, and CDFG, a goal of “no net loss” shall be achieved through avoidance of the resource, or through creation or restoration of habitat of superior or comparably quality. Where applicable, projects shall conform to the provisions of special area management or restoration plans such as the Suisun Marsh Protection Plan. (Draft EIR, p. 2-76 - 2-77.)

Findings: MTC hereby makes findings (1) and (2).

Facts in Support of Findings:

- (a) MTC requires project sponsors to comply with CEQA and NEPA, if applicable, prior to project approval by MTC.
- (b) The mitigation measures referred to above are performance standards drawn from the RTP EIR. They are appropriate for reducing the impacts at the program level. Specific mitigation measures that satisfy these performance standards will have to be implemented for impacts identified during the environmental evaluation of individual projects.

(Draft EIR, pp. 2-61 - 2-82.)

Impact:

- 2.5-4 Construction activities could adversely affect nonlisted nesting raptor species. (Draft EIR, p. 2-79.)

Mitigation Measures:

MTC requires project sponsors to comply with CEQA and NEPA prior to project approval by MTC. The mitigation measures identified on page 2-80 of the Draft EIR shall be included in project-level analysis as appropriate for proposed new transportation improvements. The project proponent or local jurisdiction shall be responsible for ensuring adherence to the mitigation measures prior to construction.

Findings: MTC hereby makes findings (1) and (2).

Facts in Support of Findings:

- (a) MTC requires project sponsors to comply with CEQA and NEPA, if applicable, prior to project approval by MTC.
- (b) The mitigation measures referred to above are performance standards drawn from the RTP EIR. They are appropriate for reducing the impacts at the program level. Specific mitigation measures that satisfy these performance standards will have to be implemented for impacts identified during the environmental evaluation of individual projects.

(Draft EIR, pp. 2-61 - 2-82.)

Impact:

- 2.5-5 Construction activities could impact nonlisted nesting birds species protected under the federal Migratory Bird Treaty Act. (Draft EIR, p. 2-80.)

Mitigation Measures:

MTC requires project sponsors to comply with CEQA and NEPA prior to project approval by MTC. The mitigation measures identified on page 2-81 of the Draft EIR shall be included in project-level analysis as appropriate for proposed new transportation improvements. The project proponent or local jurisdiction shall be responsible for ensuring adherence to the mitigation measures prior to construction.

Findings: MTC hereby makes findings (1) and (2).

Facts in Support of Findings:

- (a) MTC requires project sponsors to comply with CEQA and NEPA, if applicable, prior to project approval by MTC.
- (b) The mitigation measures referred to above are performance standards drawn from the RTP EIR. They are appropriate for reducing the impacts at the program level. Specific mitigation measures that satisfy these performance standards will have to be implemented for impacts identified during the environmental evaluation of individual projects.

(Draft EIR, pp. 2-61 - 2-82.)

Impact:

2.5-6 Construction activities could cause mortality of common wildlife species. (Draft EIR, p. 2-81.)

Mitigation Measures:

No mitigation is required for this impact; however, the implementation of feasible mitigation measures for Impacts 2.5-1 and 2.5-2 above would further lessen this project impact.

Findings: MTC hereby makes findings (1) and (2).

Facts in Support of Findings:

- (a) MTC requires project sponsors to comply with CEQA and NEPA, if applicable, prior to project approval by MTC.
- (b) The mitigation measures referred to above are performance standards drawn from the RTP EIR. They are appropriate for reducing the impacts at the program level. Specific mitigation measures that satisfy these performance standards will have to be implemented for impacts identified during the environmental evaluation of individual projects.

(Draft EIR, pp. 2-61 - 2-82.)

Impact:

2.5-7 Forecast urban development that would be served by transportation improvements in the 2001 RTP, combined with improved regional mobility provided by the 2001 RTP, could contribute to the conversion of undeveloped land to urban uses, resulting in the removal or fragmentation of habitat area. (Draft EIR, p. 2-81.)

Mitigation Measures:

As the cumulative impacts of the transportation improvements in the 2001 RTP are the same as the direct impacts listed above, the mitigation measures for this impact would also be the same. (Draft EIR, pp. 2-82.)

Findings: MTC hereby makes findings (1) and (2).

Facts in Support of Findings:

- (a) MTC requires project sponsors to comply with CEQA and NEPA, if applicable, prior to project approval by MTC.
- (b) The mitigation measures referred to above are performance standards drawn from the RTP EIR. They are appropriate for reducing the impacts at the program level. Specific

mitigation measures that satisfy these performance standards will have to be implemented for impacts identified during the environmental evaluation of individual projects.

(Draft EIR, pp. 2-61 -2-82.)

WATER RESOURCES

Impact:

- 2.6-1 Construction of the proposed transportation improvements in the 2001 RTP could adversely affect water quality and drainage patterns in the short term due to erosion and sedimentation. (Draft EIR, p. 2-99.)

Mitigation Measures:

MTC shall require that project sponsors comply with CEQA (and NEPA if appropriate) prior to project approval by MTC. Project sponsors shall commit to mitigation measures at the time of certification of their project environmental document. These commitments obligate project sponsors to implement measures that would minimize or eliminate any significant impacts on water resources. Local permitting agencies shall require preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall be consistent with the State Construction Storm Water General Permit, the *Manual of Standards for Erosion and Sedimentation Control* by the Association of Bay Area Governments, policies and recommendations of the local urban runoff program (city and/or county), and the recommendations of the RWQCB. Preparation of the SWPP shall include a survey of current and historical uses on any land to be converted to transportation uses in order to determine if hazardous chemicals were ever used or released and to identify remedial measures to protect surface and groundwater quality as necessary. Implementation of the SWPPP shall be enforced by inspecting agencies during the construction period via appropriate options such as citations, fines, and stop-work orders. (Draft EIR, p. 2-99.)

Findings: MTC hereby makes findings (1) and (2).

Facts in Support of Findings:

- (a) MTC requires project sponsors to comply with CEQA and NEPA, if applicable, prior to project approval by MTC.
- (b) The mitigation measures referred to above are performance standards drawn from the RTP EIR. They are appropriate for reducing the impacts at the program level. Specific mitigation measures that satisfy these performance standards will have to be implemented for impacts identified during the environmental evaluation of individual projects.

(Draft EIR, pp. 2-83 - 2-101.)

Impact:

- 2.6-2 The transportation improvements in the 2001 RTP could adversely affect water resources in the long term by reducing permeable surfaces, which could result in additional runoff and erosion, and decreased drainage area and groundwater recharge. (Draft EIR, p. 2-99.)

Mitigation Measures:

MTC requires project sponsors to comply with CEQA and NEPA prior to project approval by MTC. The mitigation measures identified on pages 2-99 and 2-100 of the Draft EIR shall be included in project-level analysis as appropriate for proposed new transportation improvements. The project proponent or local jurisdiction shall be responsible for ensuring adherence to the mitigation measures prior to construction.

Findings: MTC hereby makes findings (1) and (2).

Facts in Support of Findings:

- (a) MTC requires project sponsors to comply with CEQA and NEPA, if applicable, prior to project approval by MTC.
- (b) The mitigation measures referred to above are performance standards drawn from the RTP EIR. They are appropriate for reducing the impacts at the program level. Specific mitigation measures that satisfy these performance standards will have to be implemented for impacts identified during the environmental evaluation of individual projects.

(Draft EIR, pp. 2-83 - 2-101.)

Impact:

- 2.6-3 Forecast urban development that would be served by transportation improvements in the 2001 RTP, combined with new public and private infrastructure improvements to accommodate future planned urban development, could create higher erosion rates and reduced groundwater recharge. (Draft EIR, p. 2-101.)

Mitigation Measures:

As the cumulative impacts of the transportation improvements in the 2001 RTP are the same as direct impacts 2.6-1 and 2.6-2 listed above, the mitigation measures for the cumulative impact would be the same as for the direct impacts. (Draft EIR, p. 2-101.)

The MTC shall require that the project sponsors comply with CEQA (and NEPA if appropriate) prior to project approval by MTC. Project sponsor shall commit to mitigation measures at the time of certification of each project environmental document. To mitigate the potential for impacts from construction activities, local permitting agencies shall require preparation and implementation of a SWPPP.

To reduce the long-term potential for additional runoff and erosion, decreased drainage area and groundwater resulting from the increase in paved surfaces, MTC shall require implementation of the mitigation measures listed above for Impact 2.6-2.

Findings: MTC hereby makes findings (1) and (2).

Facts in Support of Findings:

- (a) MTC requires project sponsors to comply with CEQA and NEPA, if applicable, prior to project approval by MTC.
- (b) The mitigation measures referred to above are performance standards drawn from the RTP EIR. They are appropriate for reducing the impacts at the program level. Specific mitigation measures that satisfy these performance standards will have to be implemented for impacts identified during the environmental evaluation of individual projects.

(Draft EIR, pp. 2-83 - 2-101.)

VISUAL RESOURCES

Impact:

- 2.7-1 Construction of certain transportation improvements in the 2001 RTP could significantly affect visual resources by adding or expanding transportation facilities in rural or open space areas, blocking views from adjoining areas, blocking or intruding into important vistas along roadways, and changing the scale, character, and quality of designated or eligible Scenic Highways. (Draft EIR, p. 2-112.)

Mitigation Measures:

MTC requires project sponsors to comply with CEQA and NEPA prior to project approval by MTC. The mitigation measures identified on pages 2-112 and 2-113 of the Draft EIR shall be included in project-level analysis as appropriate for proposed new transportation improvements. The project proponent or local jurisdiction shall be responsible for ensuring adherence to the mitigation measures prior to construction.

Findings: MTC hereby makes findings (1) and (2).

Facts in Support of Findings:

- (a) MTC shall require that project sponsors comply with CEQA and NEPA, if applicable, prior to project approval by MTC.
- (b) The mitigation measures referred to above are performance standards drawn from the RTP EIR. They are appropriate for reducing the impacts at the program level. It is not expected that these mitigation measures would eliminate all visual impacts, and the

implementation of some transportation improvements in the 2001 RTP may result in visual changes that could be considered adverse and significant by some viewers. Specific mitigation measures that satisfy these performance standards will have to be implemented for impacts identified during the environmental evaluation of individual projects.

(Draft EIR, pp. 2-103 - 2-114.)

NOISE

Impact:

- 2.8-1 Construction of the transportation improvements proposed in the 2001 RTP would have short-term noise impacts on surrounding areas. (Draft EIR, p. 2-131.)

Mitigation Measures:

MTC requires project sponsors to comply with CEQA and NEPA prior to project approval by MTC. The mitigation measures identified on pages 2-131 and 2-132 of the Draft EIR shall be included in project-level analysis as appropriate for proposed new transportation improvements. The project proponent or local jurisdiction shall be responsible for ensuring adherence to the mitigation measures prior to construction.

Findings: MTC hereby makes findings (1) and (2).

Facts in Support of Findings:

- (a) MTC requires project sponsors to comply with CEQA and NEPA, if applicable, prior to project approval by MTC.
- (b) The mitigation measures referred to above are performance standards drawn from the RTP EIR. They are appropriate for reducing the impacts at the program level. Specific mitigation measures that satisfy these performance standards will have to be implemented for impacts identified during the environmental evaluation of individual projects.

(Draft EIR, pp. 2-115 - 2-133.)

Impact:

- 2.8-2 Transportation improvements proposed as part of the 2001 RTP could result in noise levels that approach or exceed the FHWA and FTA Noise Abatement Criteria. (Draft EIR, p. 2-132.)

Mitigation Measures:

MTC requires project sponsors to comply with CEQA and NEPA prior to project approval by MTC. The mitigation measures identified on pages 2-131 and 2-132 of the Draft EIR shall be included in project-level analysis as appropriate for proposed new transportation improvements. The project proponent or local jurisdiction shall be responsible for ensuring adherence to the mitigation measures prior to construction.

Findings: MTC hereby makes findings (1) and (2).

Facts in Support of Findings:

- (a) MTC requires project sponsors to comply with CEQA and NEPA, if applicable, prior to project approval by MTC.
- (b) The mitigation measures referred to above are performance standards drawn from the RTP EIR. They are appropriate for reducing the impacts at the program level. Specific mitigation measures that satisfy these performance standards will have to be implemented for impacts identified during the environmental evaluation of individual projects.

(Draft EIR, pp. 2-115 - 2-133.)

Impact:

- 2.8-3** Forecast population and employment growth that would be served by transportation improvements in the 2001 RTP will result in increased traffic volumes along a number of transportation corridors in the Bay Area and could, in turn, increase noise levels along some of these corridors. (Draft EIR, p. 2-133.)

Mitigation Measures:

Except where project specific improvements create the need for noise mitigation, increased noise in other parts of the Bay Area would not necessarily be mitigated unless communities and local transportation authorities: 1) determine that a noise problem exists and that the problem is one of a perceptible nature, and 2) identify local or other transportation funds not currently included in the proposed RTP to provide the necessary mitigation. In many corridors the projected traffic increases are unlikely to produce perceptible increases in noise since there may not be any sensitive receptors nearby and the increased volumes would not trigger a significant impact. (Draft EIR, p. 2-133.)

Findings: MTC hereby makes findings (1) and (2).

Facts in Support of Findings:

- (a) MTC requires project sponsors to comply with CEQA and NEPA, if applicable, prior to project approval by MTC.

- (b) The mitigation measures referred to above are performance standards drawn from the RTP EIR. They are appropriate for reducing the impacts at the program level. Specific mitigation measures that satisfy these performance standards will have to be implemented for impacts identified during the environmental evaluation of individual projects.

(Draft EIR, pp. 2-115 - 2-133.)

CULTURAL RESOURCES

Impact:

- 2.9-1 Individual transportation improvements in the 2001 RTP that involve ground disturbing activities have the potential to disturb, destroy, or significantly affect cultural resources. (Draft EIR, p. 2-144.)

Mitigation Measures:

MTC requires project sponsors to comply with CEQA and NEPA prior to project approval by MTC. The mitigation measures identified on page 2-144 of the Draft EIR shall be included in project-level analysis as appropriate for proposed new transportation improvements. The project proponent or local jurisdiction shall be responsible for ensuring adherence to the mitigation measures prior to construction.

Findings: MTC hereby makes findings (1) and (2).

Facts in Support of Findings:

- (a) MTC requires project sponsors to comply with CEQA and NEPA, if applicable, prior to project approval by MTC.
- (b) The mitigation measures referred to above are performance standards drawn from the RTP EIR. They are appropriate for reducing the impacts at the program level. Specific mitigation measures that satisfy these performance standards will have to be implemented for impacts identified during the environmental evaluation of individual projects.

(Draft EIR, pp. 2- 135 - 2-145.)

POPULATION, HOUSING, AND SOCIAL ENVIRONMENT

Impact:

- 2.10-1 Right-of-way acquisition associated with transportation improvements in the 2001 RTP could result in residential and business displacement or relocation. (Draft EIR, p. 2-162.)

Mitigation Measures:

MTC requires project sponsors to comply with CEQA and NEPA prior to project approval by MTC. The mitigation measures identified on page 2-162 of the Draft EIR shall be included in project-level analysis as appropriate for proposed new transportation improvements. The project proponent or local jurisdiction shall be responsible for ensuring adherence to the mitigation measures prior to construction.

Findings: MTC hereby makes findings (1) and (2).

Facts in Support of Findings:

- (a) MTC requires project sponsors to comply with CEQA and NEPA, if applicable, prior to project approval by MTC.
- (b) The mitigation measures referred to above are performance standards drawn from the RTP EIR. They are appropriate for reducing the impacts at the program level. Specific mitigation measures that satisfy these performance standards will have to be implemented for impacts identified during the environmental evaluation of individual projects.

(Draft EIR, pp. 2-147 - 2-164.)

Impact:

- 2.10-2 Transportation improvements in the 2001 RTP have the potential to disrupt or divide a community by separating community facilities, restricting community access of the region, and eliminating community amenities. (Draft EIR, p. 2-163.)

Mitigation Measures:

MTC requires project sponsors to comply with CEQA and NEPA prior to project approval by MTC. The mitigation measures identified on pages 2-162 and 2-163 of the Draft EIR shall be included in project-level analysis as appropriate for proposed new transportation improvements. The project proponent or local jurisdiction shall be responsible for ensuring adherence to the mitigation measures prior to construction.

Findings: MTC hereby makes findings (1) and (2).

Facts in Support of Findings:

- (a) MTC requires project sponsors to comply with CEQA and NEPA, if applicable, prior to project approval by MTC.
- (b) The mitigation measures referred to above are performance standards drawn from the RTP EIR. They are appropriate for reducing the impacts at the program level. Specific mitigation measures that satisfy these performance standards will have to be implemented for impacts identified during the environmental evaluation of individual projects.

(Draft EIR, pp. 2-147 - 2-164.)

LAND USE

Impact:

2.11-2 Forecast development of residential and employment land uses in the Bay Area over the next 25 years would result in a significant expansion of urban areas and significant changes in land use and the character of neighborhoods and districts in the Bay Area. (Draft EIR, p. 2-176.)

Mitigation Measures:

While MTC has no land use authority and cannot directly affect the pattern that future land uses will take, it can continue to participate in and promote the efforts of the Regional Agencies Smart Growth Initiative which is intended to coordinate regional smart growth efforts to use land more efficiently, optimize transportation and other infrastructure investments, preserve open space, etc. In this way, MTC can pursue the enhanced coordination of local land use plans and investments in the 2001 RTP. (Draft EIR, p. 2-176.)

Findings: MTC hereby makes findings (1) and (2).

Facts in Support of Findings:

- (a) MTC requires project sponsors to comply with CEQA and NEPA, if applicable, prior to project approval by MTC.
- (b) The mitigation measures referred to above are performance standards drawn from the RTP EIR. They are appropriate for reducing the impacts at the program level. Specific mitigation measures that satisfy these performance standards will have to be implemented for impacts identified during the environmental evaluation of individual projects.

(Draft EIR, pp. 2-165 - 2-177.)

4 Findings Regarding Alternatives

INTRODUCTION

CEQA requires an EIR to consider a reasonable range of alternatives to a proposed project or to the location of the proposed project. These alternatives must “feasibly attain the basic objectives of the project (CEQA Guidelines, §15126(a)).” “Feasible” means that the alternatives “are capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors (CEQA Guidelines, §15364).”

GOALS OF THE PROJECT

The MTC hereby finds that the following six goals were established by MTC for the 2001 RTP:

- Improve mobility for persons and freight;
- Promote safety for system users;
- Promote equity for system users;
- Enhance sensitivity to the environment;
- Support the region's economic vitality; and,
- Support community vitality in the region.

ALTERNATIVES ANALYZED BY THE EIR

The 2001 RTP EIR considers three alternatives to the proposed 2001 RTP. CEQA also requires analysis of a No Project alternative. These alternatives are:

- **No Project Alternative** – This includes transit, local roadway, bicycle, and pedestrian projects that are in advanced planning stages and slated to go forward since they have full funding commitments. These projects are identified in the federally required Fiscal Year 2001 Transportation Improvement Program (TIP) and in expenditure plans for local sales tax measures approved by voters, where such projects are fully funded by these measures. (Draft EIR, p. 3-2.)
- **System Management Alternative** – This alternative emphasizes strategies that could improve the operational efficiency of the existing transportation system: more express bus service, reversible freeway lanes, and a better connected HOV and transit system. This alternative also allocates more funding for street and road pavement maintenance shortfalls. Freeway ramp metering is assumed for the most congested corridors. Congestion pricing is assumed on the Bay bridges to generate additional transit operating funds for express buses, and some highway projects are deferred to provide additional capital funding. (Draft EIR, pp. 3-2 - 3-3.)
- **Blueprint 1 Alternative** – This alternative includes the 2001 RTP projects plus additional transportation projects considered in MTC's 2000 *Bay Area Transportation Blueprint for the*

21st Century that could be funded if certain new revenue sources are developed. These revenue sources are considered reasonable in that they represent extensions of, or increases to existing funding sources, or have legislative authorization to be developed or implemented: a regional gas tax of up to 10-cents, higher bridge tolls, new and extended sales taxes for transportation in various counties, BART bonds, and continuation of higher state transportation funding levels as recently provided in the Governor's 2000 *Transportation Congestion Relief Program (TCRP)*, and passed by the State Legislature as a proposed constitutional amendment on the March 2002 ballot. (Draft EIR, p. 3-3.)

- **Blueprint 2 Alternative** – This alternative includes the Blueprint 1 Alternative projects plus projects considered in MTC's 2000 *Transportation Blueprint for the 21st Century* for which a funding source has not yet been identified. Potential funding sources include higher federal and state gasoline taxes, a state sales tax for transportation, even higher bridge tolls, etc. Many of these projects are being considered in other ongoing planning studies, including expanded ferry service, a California High Speed Rail system, and other long-term highway and transit improvements. Since this alternative includes all of the RTP and Blueprint 1 projects, it represents the most extensive set of transportation projects that could be funded under the most optimistic assumptions about future revenues. (Draft EIR, p. 3-3.)

FINDINGS OF ALTERNATIVES ANALYSIS

MTC finds the System Management Alternative as the environmentally superior alternative. Regional mobility is slightly improved due to the combination of more regional express buses, congestion pricing on the Bay bridges (to fund the buses and move traffic out of the peak hours), and reversible lanes on some freeways to accommodate higher peak period, peak direction traffic flows. Two major highway projects— a fourth bore for the Caldecott Tunnel and the RTP-funded portion of the Hayward Bypass— were excluded from this alternative, thus avoiding a few of the project-related impacts of the 2001 RTP (Project). This alternative has somewhat less impact on biological, visual, and cultural resources, noise, and population and housing. However, it would have several effects that are comparable to the Project, including impacts on air quality, energy use, geology and seismicity, water resources, and land use. Overall, the System Management Alternative is at best only marginally environmentally superior to the 2001 RTP at a regional level. (Draft EIR, pp. 3-3 - 3-14.)

While environmentally superior, the System Management Alternative is not selected for implementation over the 2001 RTP for these reasons:

- The System Management Alternative does not fully address the mobility goal of the RTP. Compared to the 2001 RTP, the System Management Alternative provides slightly poorer access to jobs by auto, which is significant since autos would be used for 80% of all daily trips. It also produces slightly more daily vehicle trips in the Fremont-South Bay and Eastshore-South corridors, two important corridors leading to major employment centers in the South Bay. And, it results in higher arterial VMT at LOS F, which means slightly greater congestion on local roadways.
- The System Management Alternative includes many of the strategies discussed in the 2001 RTP that are innovative and have not yet been developed sufficiently for widespread

implementation. Congestion pricing on the Bay bridges is not legally available without action by the State legislature nor does it yet have widespread public support; reversible lanes of freeways have not been thoroughly evaluated by Caltrans; and regional express buses beyond MTC's current \$40.0 million program do not have operating funds. Further work is anticipated by MTC in these areas which will help determine their ultimate feasibility and public acceptability.

- Since several key elements of the System Management Alternative are not readily available, pursuing this alternative could delay other transportation projects that have been developed through a public involvement process, can be funded, and have no technical, legal, or economic impediments.

(Draft EIR, pp. 3-1 - 3-14.)

5 Independent Review and Analysis

Under CEQA, the lead agency must: (1) independently review and analyze the EIR; (2) circulate draft documents that reflect its independent judgment; and (3) as part of the certification of an EIR, find that the report or declaration reflects the independent judgment of the lead agency. (Pub. Resources Code, section 21082.1, subd. (c).)

The Commission hereby finds that MTC independently reviewed and analyzed the Final EIR and determined that the document reflects MTC's independent judgment.